

EXHIBIT 1

2. ¶ 17 of the Agreement ("A"--page 10) provides:

"This Settlement is made and entered into in the State of New York and shall in all respects be interpreted, enforced, and governed under the laws of said state without giving effect to conflicting laws or provisions thereof."

3. Plaintiff is the assignee of certain rights of Rosario under the agreement.

4. Plaintiff initiated an action pursuant to such rights against defendant in this Court under Index No. 106627/09 earlier this year.

5. Defendant thereafter caused the said case (106627/09) to be "disposed" ("B") in this Court by unilaterally removing it to a jurisdiction beyond the enforcement powers of the laws of this State, upon the purported ground that the Agreement was not enforceable under the laws of this State.

6. Defendant breached the Agreement by such action, to plaintiff's damage, and continuing.

WHEREFORE it is respectfully requested that an **ORDER**:

1. Declaring that defendant is in breach of its agreement with plaintiff's assignor; and/or

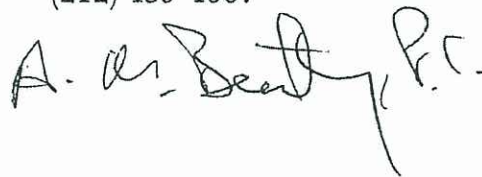
2. for such other and further relief as to this Court may seem just and proper,

should be granted.

Executed:
New York NY
December 8, 2009

A handwritten signature in black ink, appearing to read "Anthony M. Bentley", written over a horizontal line.

Anthony M. Bentley
A. M. Bentley, P.C.
Plaintiff's Counsel
116 West 72nd Street
New York NY 10023-3315
(212) 459-4067

A handwritten signature in black ink, appearing to read "A. M. Bentley, P.C.", written below the printed name.

A

Settlement Agreement & Release
Page 9 of 9

17. This Settlement is made and entered into in the State of New York and shall in all respects be interpreted, enforced, and governed under the laws of said state without giving effect to conflicting laws or provisions thereof.

Dated: New York, New York
August __, 2008

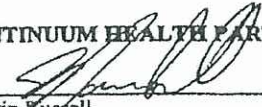
ACCEPTED AND AGREED:

STATE OF NEW YORK)


ss.:)

COUNTY OF NEW YORK)

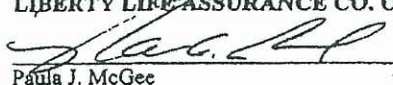
CONTINUUM HEALTH PARTNERS


Marvin Russell
Senior Vice President, Human Resources
Continuum Health Partners
555 West 57th Street
New York, New York 10019

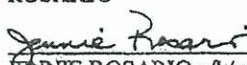
ST. LUKE'S-ROOSEVELT HOSPITAL
CENTER


Marvin Russell
Senior Vice President, Human Resources
St. Luke's-Roosevelt Hospital Center
555 West 57th Street
New York, New York 10019

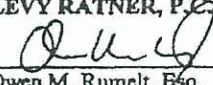
LIBERTY LIFE ASSURANCE CO. OF BOSTON


Paula J. McGee
Litigation Manager
Liberty Life Assurance Co. of Boston
3901 Premier North Drive
Tampa, FL 33618

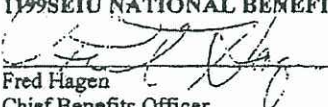
JENNIE ROSARIO a/k/a JENNY
ROSARIO


JENNIE ROSARIO a/k/a JENNY ROSARIO
300 E. 33rd Street
Apt. 2C
New York, NY 10023
(212) 459-4067

LEVY RATNER, P.C.


Owen M. Rumelt, Esq.
Attorney for Defendant
1199SEIU United Healthcare Workers East
80 Eighth Avenue, 8th Floor
New York, New York 10011
(212) 627-8100

1199SEIU NATIONAL BENEFIT FUND


Fred Hagen
Chief Benefits Officer
1199SEIU BENEFIT & PENSION FUNDS
330 West 42nd Street, 31st Fl.
New York, NY 10036
(646) 473-6950

RUMELT CONTRACT
Page 10 of 10

LEVY RATNER, P.C.
Attorneys at Law
80 Eighth Avenue
New York, New York 10011-5126

Telephone (212) 627-8100
Telecopier (212) 627-8182

Richard A. Levy
Daniel J. Ratner
Daniel Engelstein*
Cynthia A. Wilcox*
Pamela Jeffrey
Owen M. Rumelt*
Kevin Finnegan
Carl J. Levine*
David Slutsky*
Allyson L. Belovin
Suzanne Heppner*

Ezekiel D. Carder*
Dana E. Loria*
Sara D. Newman*
Susan J. Cameron*
Micah Wisinger*
Ryan J. Barbur

Senior Counsel:
Richard Dorn
Jennifer J. Middleton*
Paul Schachter*
Denise Reinhardt*

Counsel:
Anthony DiCaprio
Michael Steven Smith
David P. Horowitz*

September 22, 2008

Marvin Russell
Senior Vice President,
Human Resources
Continuum Health Partners
555 West 57th Street
New York, New York 10019

Jenny Rosario
300 E. 33rd Street, Apt. 2C
New York, NY 10023

Paula J. McGee
Litigation Manager
Liberty Life Assurance Co. of Boston
3901 Premier North Drive
Tampa, FL 33618

Fred Hagen
Chief Benefits Officer
1199SEIU National Benefit Fund
330 West 42nd Street, 31st Floor
New York, New York 10036

Re: Rosario v. Continuum Health Partners, *et al.*
Index No. 07 CV. 1276 (NAM)(DRH)
Rosario v. Trustees of the 1199 SEIU, *et al.*
Index No. 08 CV. 519 (NAM)(DRH)

Ladies/Gentlemen:

Enclosed is a fully executed Settlement Agreement and Release in the above-referenced action.

Very truly yours,


Owen M. Rumelt

OMR:bms
Encl.

RUMELT CONTRACT
Page 1 of 10

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

X Docket No. 07 CV 1276
(NAM)(DRH)

JENNY ROSARIO,

Plaintiff,

-against-

CONTINUUM HEALTH PARTNERS, LOCAL 1199
SEIU, and LIBERTY MUTUAL,

Defendants.

FULL AND FINAL
SETTLEMENT AGREEMENT
AND RELEASE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

X

JENNIE ROSARIO

Plaintiff,

- against -

TRUSTEES OF THE 1199 SEIU, NATIONAL
BENEFIT FUND for HEALTH and HUMAN
SERVICE EMPLOYEES and,

ST. LUKE'S HOSPITAL, a/k/a
"CONTINUUM HEALTH PARTNERS, INC.
(ST. LUKE'S ROOSEVELT HOSPITAL
CENTER),"

Defendants.

DOCKET NO.: 08 CV 519 (NAM)(DRH)

FULL AND FINAL SETTLEMENT
AGREEMENT AND RELEASE